

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

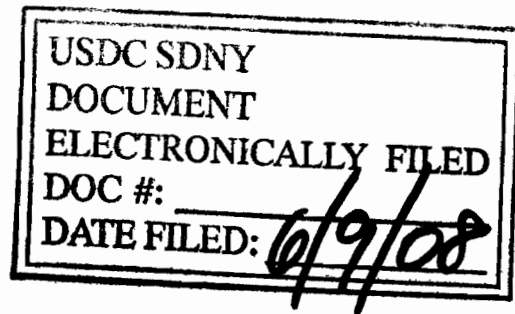
KENNETH DUNNE,

Plaintiff,

-against-

WESTCHESTER DEPARTMENT OF
CORRECTIONS CORRECTIONAL HEALTH,

Defendant.



07 Civ. 9471 (GEL)

ORDER

GERARD E. LYNCH, District Judge:

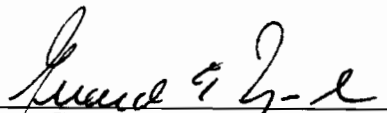
A review of court records indicates that the complaint in this action was filed on October 24, 2007, and that no proof of service of the summons and complaint has been filed. On April 28, 2008, the Court issued an order directing plaintiff to serve the summons and complaint on the defendant on or before May 28, 2008. The Court warned plaintiff that if service was not effected on or before May 28, 2008, and if plaintiff failed to show cause, in writing, why service had not been made, the complaint may be dismissed for failure to prosecute.

As of June 9, 2008, there is no record of the defendant being served with the summons and complaint, and plaintiff has not provided any reason for failing to effect service. Accordingly, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, it is hereby

ORDERED that the case be dismissed without prejudice for failure to prosecute.

SO ORDERED.

Dated: New York, New York
June 9, 2008


GERARD E. LYNCH
United States District Judge

Copy mailed to:

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Mohegan Lake, NY 10570